

// A regular meeting of the Council of the City of Lynchburg was held on the 25th day of October, 2005, at 5:00 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Mayor Hutcherson gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Absent: 0

// Copies of the minutes of the October 11 (two meetings), 2005 meetings, having been previously furnished Council, reading was dispensed with. Mayor Hutcherson read a change on page 102 of the October 11 minutes of the regular meeting, and on motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-05-124 amending the FY 2006 City/Federal/State Aid Projects Fund budget and appropriating \$40,000, with \$20,000 reimbursement, to upgrade four (4) Zoll "M" Series bi-phasic manual monitor/defibrillators, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Fire - General, Resolution #R-05-125 amending the FY 2006 City/Federal/State Aid Projects Fund budget and appropriating \$47,872, fully reimbursable, to assist in the purchase of safety equipment and supplies for the Fire and EMS Department, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Police - General, Resolution #R-05-126 amending the FY 2006 City/Federal/State Aid Fund and appropriating \$78,931, fully reimbursable, to complete the Digital In-Car Camera program of the Lynchburg Police Department, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Commonwealth Attorney, Resolution #R-05-127 amending the FY 2006 City/Federal/State Aid Fund budget and appropriating \$108,994, with resources of \$91,510 from the United States Department of Justice, for continuation of the Community Prosecution Program, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member

Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Community Planning - General, Resolution #R-05-130 amending the FY 2006 City/Federal/State Aid Fund Budget and appropriating \$666,222 for the Lead-based Paint Hazard Control Grant Program, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Public Works - General, Resolution #R-05-133 authorizing the sale of real property located at 1117, 1201, 1215, and 1221 Jefferson Street to Invest Lynchburg, LLC, for the sum of \$43,900 and a commitment to construct substantial improvements on the property within three years from the date of its purchase, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// In the matter of Airport - General, Resolution #R-05-138 amending the Airport Projects Grant Fund budget and appropriating \$454,219, with resources of \$137,970 from State Aviation Entitlement Funds and \$316, 249 from increased borrowing, for the Airport T-Hangar/Jet Pod Project, laid over from the October 11, 2005 meeting, was again presented and read, and on motion of Council Member Seiffert, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson	7
Noes:	0

// Mayor Hutcherson announced that the City received an award from the Virginia Municipal League for its Downtown Revitalization Program, and congratulated Council Member Dodson on his appointment to the Governor's Transportation in Urbanized Areas Study Commission.

// In the matter of City Council, Mr. Daniel May expressed the following concerns attributed to the behavior of students residing in Lynchburg College-owned houses on College Street, i.e., loud parties very late into the night, his yard being littered with trash and beer cans, the flagrant disregard for the 11:00 p.m. noise curfew, and damage to the wooden fence on his property. In response to Council questioning, Mr. May stated that he has spoken with Lynchburg College officials regarding his concerns. City Manager Kimball Payne stated that he has spoken with John Eccles, Lynchburg College Dean of Students, regarding Mr. May's concerns, but encouraged Mr. May to also contact Dean Eccles. Council Member Seiffert also encouraged Mr. May to contact Dean Eccles, and to remind Dean Eccles that student housing is permitted

via a Conditional Use Permit, and if a house becomes a nuisance to the neighborhood, City Council can revoke the Conditional Use Permit. Several Council Members thanked Mr. May for bringing the matter to their attention and encouraged him to contact Dean Eccles.

// In the matter of Community Planning - General, City Council Report #10 was considered. On motion of Council Member Dodson, seconded by Vice Mayor Foster, Council by the following recorded vote adopted Resolution #R-05-142, as presented, naming the bridge in the 2500 block of Campbell Avenue the "John L. Suttentfield Memorial Bridge":

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Community Planning - General, Resolution #R-05-139 amending the FY 2006 General Fund Budget and appropriating an amount not to exceed \$310,000 for the Bluffwalk Project, laid over from the October 11, 2005 meeting, was again presented and read. City Manager Kimball Payne stated that since Council's action on October 11 to support the Bluffwalk Center project, two other groups have approved loans to close the financing gap, and as a result the \$910,000 gap will be closed as follows:

- \$150,000 in Contractor savings
- \$200,000 loan from the Industrial Development Authority (IDA)
- \$250,000 loan from the Lynchburg Area Development Corporation
- \$310,000 loan from the City through the IDA

Council Member Helgeson expressed concern regarding the short period of time in which to review the information contained in the October 24 letter from Wachovia; and at his request, Mr. Hal Craddock provided a breakdown of the four loans from Wachovia for the Bluffwalk Center project. Council Member Helgeson went on to say that he still could not support the additional funding to the Bluffwalk Center project since there has been no opportunity for formal public input and the lack of an independent audit on the project. On motion of Vice Mayor Foster, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson 6

Noes: Helgeson 1

// In the matter of Budget, Resolution #R-05-140 amending the FY 2006 General Fund Budget and appropriating \$55,278 for supplemental funding to the FY 2006 Tax Relief for the Elderly and Permanently Disabled program, laid over from the October 11, 2005 meeting, was again presented and read.

Commissioner of the Revenue Mitch Nuckles acknowledged that the additional funding was allocated to those applicants with the lowest income disregarding net worth. Council Member Seiffert stated that when he voted against the first reading it was a vote against the process and not against the Tax Relief Program, and that he would vote in support of the second reading. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// Information Technology Network Services Manager Terry Hutchens provided an overview regarding the new audio visual system recently installed in the Council Chamber.

// City Council recessed the meeting at 5:58 P.M. to reconvene in the second floor Training Room to conduct a work session regarding several items.

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Clerk of Council

// A special meeting of the Council of the City of Lynchburg, recessed from the earlier 5:00 p.m. regular meeting, was held on the 25th day of October, 2005, starting at 6:10 P.M., Second Floor Training Room, City Hall, Carl B. Hutcherson, Jr., President, presiding. The purpose of the meeting was to conduct a work session regarding several items. The following Members were present:

Present: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Absent:

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// Information Technology Network Services Manager Terry Hutchens provided an overview regarding the new audio visual system recently installed in the Training Room.

// City Manager Kimball Payne stated that since the erection of the signs designating Fifth Street and Memorial Avenue as Martin Luther King, Jr. Boulevard, he has been contacted by two members of the community who expressed concerns regarding the signs. Mr. Payne explained that Pastor Joseph Lewis's recollection was that Council directed that signs designating the corridor be placed on top of every street sign in the corridor, and that he has expressed deep disappointment that this has not been done. Mr. Payne went on to say that because of the already present clutter of signs, poles, etc. in the corridor, and the concern that placing signs on top of existing street signs would be both confusing and expensive (because there is no standardized placement or size of street signs) staff came up with an alternative means of designating the corridor. Mr. Payne noted that the proposed plan for signage was discussed with the Physical Development Committee, presented to City Council both during a work session and during a televised regular meeting, and that pictures of the proposed signs were also published in the newspaper. Nevertheless, Pastor Lewis insists that staff has not followed Council's direction, and therefore, I suggested that this matter be scheduled for a City Council work session. Mr. Payne also explained that Ms. Mary Payne has also contacted him regarding the signs, stating that her concern, which is shared by others in the community, is that the signs on the poles are too small and that she would also like to see a sign near the Legacy Museum and larger entry signs at the ends of the corridor. Mr. Payne acknowledged that he also feels that the signs on the poles are too small, and that while the signs appeared to be of an appropriate size when the mock-ups were displayed, after mounting they appear out of proportion to the height of the poles. Furthermore, Mr. Payne acknowledged that their location over seven feet off the ground make them harder to see from moving vehicles, and that it has also been pointed out that the sign on Memorial Avenue in front of E.C. Glass is partially hidden by tree branches. Mr. Payne explained that the estimated cost of replacing the small pole-mounted signs is \$3,900, and that no estimate has been determined for placing signs on top of every street sign, but if that was directed, then staff would recommend the development of a standardized street sign plan for the corridor. Mr. Payne referenced an e-mail received from a resident who lives on Memorial Avenue, suggesting that only the signs in the more commercial areas along the Boulevard be enlarged. Mr. Payne stated that he is seeking Council's direction regarding this matter. Pastor Joseph Lewis explained to City Council that it was his understanding that overlay signs be placed on top of every street sign in the corridor and that it was time to complete the project. Several Council Members commented and asked that the minutes

reflect that the City Manager and staff did exactly what was directed by City Council with regard to the signage along the Boulevard, but also suggested that they would be open to enlarging the signs in the commercial areas along the Boulevard. City Manager Payne stated that a monument sign is still planned at the Fifth Street entrance to the Boulevard in conjunction with the Fifth Street Corridor Study. Following discussion, City Council asked the City Manager to determine what the cost would be to replace the signs in the commercial areas along the Boulevard.

// Legislative Liaison Linda McMinimy provided an overview regarding the proposed legislative agenda for the 2006 General Assembly session. Ms. McMinimy explained that she modified and updated the previous agenda based on her understanding of issues likely to come before the next session and input from City leadership. Council asked that the agenda include a statement of support to expand the locations of "drug free zones" to include neighborhood centers and schools. On motion of Council Member Johnson, seconded by Council Member Seiffert, Council by the following recorded vote adopted the 2006 Legislative Agenda as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// City Manager Kimball Payne informed City Council that he is an ex officio, voting member of the Lynchburg Regional Chamber of Commerce Board of Directors, and that he has not been involved with the preparation of the proposal from the Chamber for the renewal of the present tourism contract and will abstain from any discussion of the matter that might come before the Chamber's Board of Directors except to represent the City's position. Council accepted the City Manager's disclosure and his position to represent the City in the negotiation of a contract for the operation of the City's Tourism Program. Mr. Payne explained that the City's contract with the Lynchburg Regional Chamber of Commerce for the operation of the Visitors Information Center and the Lynchburg Regional Convention and Visitors Bureau expires on December 31, 2005, and that the Chamber has submitted a proposal for a five (5) year renewal of the contract, with amendments. Mr. Payne also noted that the Lynchburg Hotel/Motel Association has submitted an alternative proposal which recommends that the program be operated under the City of Lynchburg's Department of Economic Development. Mr. Payne went on to say that prior to commencing a discussion about the advisability of changing the present arrangement regarding the City's tourism program, City Council should consider the purposes of and expectations for such a program, and consider the following questions:

- What are the goals of a local tourism program?
- Who are the stakeholders of a tourism program?
- What are the expectations of City Council with regard to the program (oversight, frequency and content of reports, accountability, funding, focus, regionalism)?
- What are indicators of success?
- How should the performance of a tourism program be measured?

Council Members discussed the next steps in the process and agreed that a special meeting was needed to hear from both presenters and give Council Members a chance to ask questions regarding the two proposals. City Manager Payne stated that he plans to meet with both groups to gather additional information regarding the proposals, and to provide City Council with an analysis of each proposal. Following discussion, City Council agreed to schedule a work session on November 8, from 4:00 p.m. – 6:00 p.m., regarding the City's Tourism Program contract, and to give the Lynchburg Hotel/Motel Association and the Lynchburg Regional Chamber of Commerce thirty (30) minutes each to present their proposals.

// City Manager Kimball Payne presented a brief overview regarding the FY2007 Budget process. Mr. Payne noted that the preliminary projections indicate that revenues in FY2007 are relatively flat with little growth and that increased expenditures for fuel and natural gas will significantly impact the budget as well as increases in salaries, health and dental insurance, retirement and life insurance.

// During roll call, Council Member Dodson commented regarding letters received from Mark Peake and Chris Gentry, and questioned if Council wanted to consider additional support to assist individuals or non-profit agencies with the high heating costs. Deputy City Manager Bonnie Svrcek explained that the City does have a Fuel Assistance Program, and stated that she would forward to City Council information regarding the Program. Mayor Hutcherson suggested that letters be forwarded to Lynchburg's delegation in support of continuing the Community Development Block Grant Program.

// On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote elected to hold a closed meeting to consider appointments to Council-appointed Boards and Commissions pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Seiffert, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// In the matter of Appointments, and on nomination of Council Member Gillette, Council by the following recorded vote appointed Kelvin Moore to fill an unexpired term on the Parking Authority ending October 30, 2007:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson 7

Noes: 0

// The meeting was recessed at 9:07 p.m. to November 8, 4:00 p.m., to conduct a work session regarding the Tourism Program.

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Clerk of Council